

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION**

MICHAEL F. LAFORGE,

Plaintiff,

v.

JANICE GETS DOWN, NATASHA S.  
MORTON, LEROY NOT AFRAID,  
SHELIA WILKENSON NOT  
AFRAID,

Defendants.

CV-17-48-BLG-BMM

**ORDER ADOPTING MAGISTRATE  
JUDGE'S FINDINGS AND  
RECOMMENDATIONS**

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendations in this matter on May 28, 2019. (Doc. 40.) Plaintiff Michael LaForge, proceeding pro se, filed the instant action on May 5, 2017. (Doc. 9.) The Court dismissed with prejudice Defendants Natasha S. Morton, Leroy Not Afraid, and Shelia Wilkenson Not Afraid. (Docs. 33, 36.)

The Court ordered LaForge to show cause, in writing, as to why the Court should not dismiss the case for failure to serve properly Defendant Janice Gets Down pursuant to Federal Rule of Civil Procedure 4. (Doc. 37.) LaForge responded by filing a Motion to File Evidence (Doc. 38) on April 19, 2019, and filing a Motion to File Evidence (Doc. 39) on May 8, 2019. Judge Cavan noted the

evidence that accompanied both motions in his Findings and Recommendations. (Doc. 40 at 2.) The Court will grant both of LaForge's motions.

Judge Cavan determined that the Court must assist with LaForge, who proceeds in forma pauperis, with service if the Court determines that LaForge has stated plausible claims for relief. (Doc. 40 at 2.) Judge Cavan concluded that LaForge had failed to set forth any facts that would support a determination that Gets Down could be held liable for any of the LaForge's alleged claims. *Id.* at 7. Judge Cavan recommended that the Court dismiss with prejudice LaForge's claims against Gets Down and enter final judgment in this matter. *Id.*

Neither party filed objections. The Court reviews findings and recommendations not objected to for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). The Court finds no error in Judge Cavan's Findings and Recommendations and adopts them in full.

Accordingly, IT IS ORDERED:

1. LaForge's Motion to File Evidence (Doc. 38) is GRANTED.
2. LaForge's Motion to File Evidence (Doc. 39) is GRANTED.

3. Judge Cavan's Findings and Recommendations (Doc. 40) is ADOPTED  
IN FULL.

4. LaForge's claims against Gets Down are DISMISSED WITH  
PREJUDICE. The Clerk of Court shall enter, by separate document, a  
judgment of dismissal.

DATED this 2nd day of July, 2019.



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Brian Morris  
United States District Court Judge

